

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL K. OSBORNE, SR.

Plaintiff,

vs.

Case No. 07-11835

HONORABLE GERALD E. ROSEN

HONORABLE STEVEN D. PEPE

COUNTY OF WAYNE, ET AL.,

Defendant.

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**ORDER DENYING MOTION TO AMEND THE ORDER
DENYING APPOINTMENT OF COUNSEL (DKT. #11)**

On April 26, 2007, Plaintiff filed his Application for Appointment of Counsel in which he sought court appointed counsel (Dkt. #3). On July 17, 2007, his application for appointment of counsel was denied (Dkt. #7). On August 31, 2007, Plaintiff filed a letter that will be treated as a motion to amend the prior order denying him appointment of counsel (Dkt. #11). For the reasons noted below, Plaintiff's Motion to Amend is **DENIED**.

The order denying Plaintiff appointment of counsel summarized Plaintiff's position to be that "he is not responsible for any debts incurred from checks issued by him with insufficient funds where Defendant failed to respond to Plaintiff's request to validate the debt." (Dkt. #7). Plaintiff in the present motion seeks correction of this statement arguing that there was only one check with alleged insufficient funds, that the check did not exist because Defendants could not produce a copy of the check, Defendants reported him to a credit bureau, threatened him with

prosecution and failed to validate the debt. It is Plaintiff's concern that the Court's summary might create problems for him in developing the integrity and consistency of his claims.

It is the Court's understanding of the phrase "any debts incurred from checks" to encompass one or more checks and the ensuing issues associated with an alleged debt . As such the summary in no way curtails Plaintiff's ability to fairly and thoroughly structure and present his claims. This language in prior order is not a finding of fact in this case and Plaintiff is free to present evidence on his version of the facts. Because Plaintiff's suggested amendments are not necessary to preserve Plaintiff's litigation position, there is no need to modify the order denying Plaintiff's application for appointment of counsel. Accordingly, this letter request to amend the prior order is DENIED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b) and LR 72.1(d). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon the Magistrate Judge.

SO ORDERED.

Date: September 4, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: not applicable, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Darrell K. Osborne, Sr., P.O. Box 32810, Detroit, MI 48232

s/ James P. Peltier
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